

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

DAVID ST. AMOUR and)
DIANE ST. AMOUR,)
Plaintiffs,)
v.)
FEDERAL HOME LOAN MORTGAGE) CIVIL ACTION NO. 1:18-CV-00254
CORPORATION, US BANK, NATIONAL)
ASSOCIATION, AS TRUSTEE FOR LSF 9)
MASTER PARTICIPATION TRUST,)
CALIBER HOME LOANS, INC.,)
Defendants.)

)

**DEFENDANTS' STATEMENT OF MATERIAL FACTS
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

Defendants U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (incorrectly named as US Bank, National Association, as Trustee for LSF 9 Master Participation Trust) (“U.S. Bank”) and Caliber Home Loans, Inc. (“Caliber,” and together with U.S. Bank, “Defendants”) hereby submit this Local Rule 56 Statement of Material Facts in support of their Motion for Summary Judgment.

1. Plaintiffs executed a promissory note (the “Note”), dated June 26, 2016, memorializing an obligation to repay a loan in the principal amount of \$210,000. (Affidavit of Joseph K. Scully (“Scully”) ¶ 5, Ex. A.)

2. Day Pitney LLP, pursuant to a Bailee Letter Agreement, as counsel for Defendants, is in possession of the original Note. (Scully Aff. ¶¶ 2-5.)

3. The original Note can be made available for inspection by the Court and Plaintiffs with reasonable notice. (Scully Aff. ¶ 6.)

Respectfully submitted,

**U.S. BANK TRUST, N.A., as TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST; and CALIBER HOME LOANS,
INC.,**

By their attorney,

/s/ Joseph K. Scully

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DATED: April 3, 2019

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic (NEF) and paper copies will be sent to those indicated as non-registered participants on April 3, 2019.

/s/ Joseph K. Scully

Joseph K. Scully